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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,089	05/19/2005	Peter Howlett	221842US2PCT	4452
22850	7590	07/09/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MARC, MCDIEUNEL	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 07/09/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/089,089	<b>Applicant(s)</b> HOWLETT ET AL.	
	<b>Examiner</b> MCDIEUNEL MARC	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3664

*Allowable Subject Matter*

1. Claims 1-9 had been deleted and new claims 10-16 are pending.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6965816).

**As per claim 10, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) comprising: a plurality of equipment units each associated with a monitoring unit for

Art Unit: 3664

monitoring the respective equipment unit, the monitoring unit including, a test unit for testing the respective equipment unit on proper operation and for issuing fault messages in a case when the testing indicates a failure of the respective equipment unit, and a non-volatile memory unit for storing at least the fault messages (see Walker's black box); a central maintenance unit in communication with the test units of the plurality of equipment units (see figs. 1- and 7), the central maintenance unit including a diagnosis unit for checking a state of the plurality of equipment units by using the fault messages of the test units, and for generating a report on an overall state of an operation of the maintenance system (see figs. 1 and 7); and a data transmission link for providing a data connection between the plurality of equipment units and the central maintenance unit, wherein the central maintenance unit is configured to make the report on the overall state of the operation available on the data transmission link, and wherein each the plurality of equipment units further include a detection circuit for detecting, capturing, and transferring the report on the overall state of the operation from the data transmission link into the respective non-volatile memory unit after the report on the overall state of the operation is available on the data transmission link (see 61, lines 31-54, particularly "gathers data and provides post analytical evaluating data in a protected storage vessel (an enhanced black box that can be set up to monitor anything without a lot of hard wiring--It also can perform as a driver interface platform to test equipment, monitor, recorder driver other devices (data gathering devices and actuators")),. Walker does not specifically teach a fleet of motor vehicles/cars/truck.

Walker's figure 27 has been broadly interpreted as a fleet of motor vehicles/cars/truck.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to elaborate on the term fleet of the application, with the plurality of aircraft

Art Unit: 3664

of Walker, because this elaboration would have interpreted figure 27 of Walker which contains a fleet of aircraft, thereby improving the efficiency and the reliability of the maintenance system for a set of equipment.

**As per claim 11, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) that further comprising: a subset of equipment units grouping at least some of the plurality of equipment units into a group of equipment units (see 61, lines 31-54, particularly “gathers data and provides post analytical evaluating data in a protected storage vessel (an enhanced black box that can be set up to monitor anything without a lot of hard wiring--It also can perform as a driver interface platform to test equipment, monitor, recorder driver other devices (data gathering devices and actuators”), the subset including, a group test unit connected to the data transmission link, the group test unit testing the equipment units of the group on proper operation and issuing group fault messages in a case where the testing indicates a failure of at least one equipment unit of the group (see 61, lines 31-54), and making the group fault messages available on the data transmission link; and a non-volatile memory unit for storing at least the group fault messages (see Walker’s black box), wherein the detection circuit of the equipment units of the group are further detecting, capturing (see Walker’s black box), and transferring group fault messages into the respective non-volatile memory units when the group fault messages are available on the data transmission link (see Walker’s black box), and wherein the central maintenance unit takes the group fault messages into account when making the report on the overall state of the operation (see col. 36, lines 33-41, particularly the black box generate fault/error message as noted above).

Art Unit: 3664

**As per claim 12, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) that further comprising: a user interface linked to the central maintenance unit by the data transmission link (see figs. 1 and 7), the user interface configured to display the report on the overall state of the operation to a user (see 61, lines 31-54 and the black box of Walker generate reports into the central server).

**As per claim 13, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) wherein the report on the overall state of the operation is a post flight report that includes a log of all the fault messages that were received by the central maintenance unit during a flight of an aircraft (see col. 36, lines 33-41, particularly the black box).

**As per claim 14, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) that further comprising: an airborne external communications network, connected to the maintenance system (see fig. 1, element 102), for sending the report on the overall state of the operation to a fleet management center (see col. 50, line 55 – to – col. 51, line -2, wherein broadly the fleet has been taken as a fleet of aircraft).

**As per claim 15, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) wherein the detection circuit analyzes labels of messages that are transmitted over the data transmission link, and retains the group fault messages and the report on the overall state of the operation that were found by analyzing the labels of the messages (see 61, lines 31-54).

**As per claim 16, Walker 6965816** teaches a maintenance system (see col.27, lines 34-55) wherein the central maintenance unit is configured to submit the report on the overall state of the operation after a flight upon an instruction by a user (see 61, lines 31-54).

Art Unit: 3664

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/McDieunel Marc/**

Examiner, Art Unit 3664

Sunday, July 05, 2009

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664